

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JOSEPH SCOTT COOPER,

Petitioner,

v.

CIVIL ACTION NO. 2:04-cv-00843
(Criminal No. 2:01-cr-00186)

UNITED STATES OF AMERICA,

Respondent.

ORDER


Pending before the court is the petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence [Docket 35]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny the petitioner's § 2255 motion [Docket 39].

Neither party has filed objections to the Magistrate Judge's proposed findings.

Accordingly, the court accepts and incorporates the findings and recommendations of the Magistrate Judge and **DENIES** the petitioner's motion.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 4, 2005


A handwritten signature in black ink, appearing to read "Joseph R. Goodwin", is written over a solid horizontal line.
JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE